IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1660 OF 2007

Jamda Madhyam Pathandhare Prakalp Sangharsh Samiti & Ors. ....Petitioners

V/s.

The Collector of Ratnagiri & Ors. ....Respondents

Mr.M.P. Vashi i/b M/s.M.P. Vashi & Associates for the Petitioner.

Mr.R.D. Rane, GP for Respondent Nos.1, 4 and 6.

Mr.Pankaj Sawant i/b M/s.Khaitan & Jayakar for Respondent No.7.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 27TH APRIL, 2007.

P.C. :

1. Rule. Heard forthwith.

2. The Petitioners before this Court have come under the banner of Petitioner No.1 as they apprehend that their house sites are likely to be affected by Jamda Medium Irrigation Project. It is their apprehension, that the work which is going on will flood their house sites during the monsoon and roads will became inaccessible and thirdly that no

arrangements have been made for rehabilitation at alternate sites. The additional grievance is that number of trees on the land have not been correctly numbered as the Respondent - State is acting on the basis of the old records.

3. On behalf of the Respondent - State, an affidavit has been filed by one B.B. Lohar, Executive Engineer, Minor Irrigation Division, Chiplun, District Ratnagiri. Various steps that will have to be taken, have been set out therein. We may only advert to some of the aspect dealt with in paragraph 7 of the said reply. The affiant set out that the period required for completion of the land would be four years and the water will be stored in Dam in the last year. Before submerging the land of P.A.P's, the process of rehabilitation will be completed. The compensation for land going under submergence will be paid after finalisation of award of land acquisition. The compensation for houses, trees and other structures will be paid along with the cost of land.

4. In our view this would meet the apprehensions raised on behalf of the Petitioners. However, to ensure that the assurances are kept and that the persons likely to be affected do not have go from door

to door or move this Court for other reliefs, we are issuing various directions so as to obviate as far as possible the Petitioners moving this Court. In the light of that, the Petition is allowed by issuing the following directions :-

a). No project affected persons will be displaced without such PAPs being first given an alternate land side.

b). The access by means of roads to the house sites will not be disturbed. In the event any road has to be disturbed, an alternate access would be provided before existing roads are disturbed, atleast till such time as the affected PAPs are rehabilitated on the alternate plots.

c). Before taking possession of the land, joint measurement to be done. The Petitioners agree that they will co-operate and not oppose the joint measurement being done. It is in the interest of the Petitioners themselves that the joint measurement be done at the earliest so as to ensure that the award would be passed at the

earliest and they receive compensation.

d). While taking the measurement of the land and/or before taking possession of the land, the Respondents to ensure that the trees and other structures standing on the land are duly taken account and set out in Panchanama to be prepared in respect of each of the project affected persons. The Respondents to complete the land acquisition proceedings and payment of compensation before all project affected persons are asked to leave from the present house side. This is to ensure that they get compensation for rehabilitation at the house site that will be provided to them.

e). The Respondents to ensure that on account of the work being carried out that no house site occupied by the PAPs is flooded and steps would be immediately taken to see that the water is drained out from the said area if such a situation occurs.

f). If there be any difficulty in giving effect to these directions , liberty to the

parties to move this Court for clarifications.

5. Rule is accordingly made absolute, with no order as to costs.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)